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PATENT APPLICATION
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REMARKS

Applicants have reviewed the Application in light of the Final Office Action mailed February 6, 2009. Claims 11-14 are pending in this Application. Claims 11-14 stand rejected under 35 U.S.C. § 102(b). Claims 11-14 have been amended. Claim 15-27 has been added. No new matter was presented. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Claims 11-14 stand rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,134,336 issued to Joel Anthony Clark (*Clark*). Applicants respectfully traverse and submit *Clark* does not teach all of the elements of the claimed embodiment.

Clark fails to teach all the elements of the pending claims. For example, amended Independent Claim 11 recites, in part:

- a housing comprising a membrane rear volume;
- an opening structure located on the membrane rear volume;
- wherein internal walls located on a rear wall of the portable device;
- form an acoustic channel through which sound is directed to the opening structure of the acoustic converter; and
- an acoustical blocking element, located over the opening structure,
- wherein the acoustical blocking element forms an acoustic seal between the opening structure and the rear wall.

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According to the Examiner components of FIG. 5 allegedly teaches the above elements. See Office Action, Page 2. For example, the Examiner contends that the upper housing 102 of FIG. 5 allegedly includes "an acoustic blocking element (412, 426, 428), located over the opening structure, wherein the acoustic blocking element forms an acoustic seal between the opening structure and the rear wall" where the opening structure is elements 204, 205, 208, 210. *Id.* Applicants disagree.

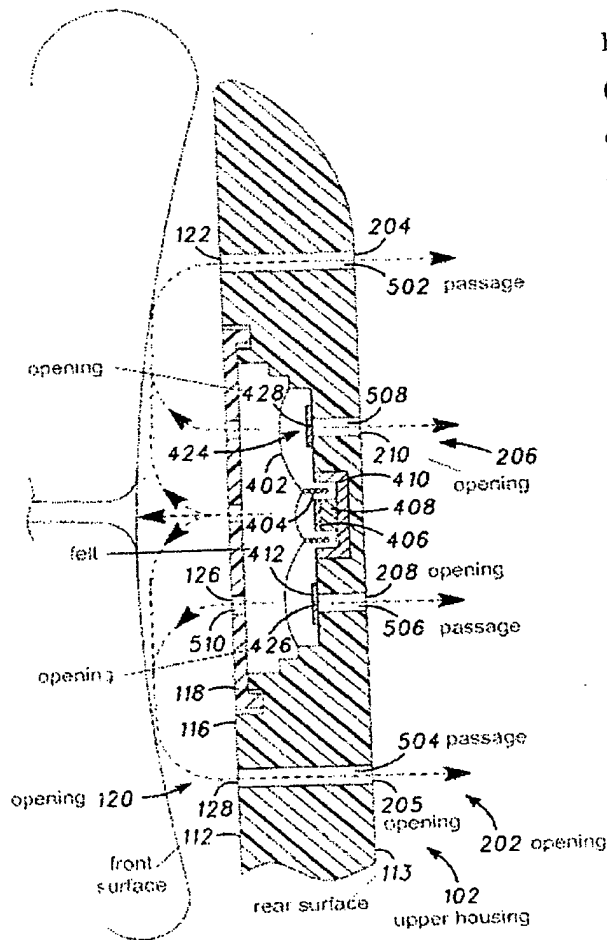


FIG. 5

¹ In the Examiner's response to Applicant's previous arguments, the Examiner contends that felt 412 covers openings 426, 428. See Page 3 of the Office Action.

Referring to FIG. 5, provided herein for the Examiner's convenience (where Applicants have marked the elements of FIG. 5 cited by the Examiner with the name of the element as disclosed by *Clark* at Column 5, Line 48 through Column 6, Line 34), the alleged acoustic blocking element (e.g., felt 412) does not form an acoustic seal *between* the opening structure and the rear surface (element 113). Rather as shown in FIG. 5, felt 412 is located between openings 208 and 210 (or even opening 426)¹ and front surface 112, where front surface 112 is on an opposite side of rear surface 113.

For at least these reasons, *Clark* fails to serve as prior art over Independent Claim 11. Applicants submit that Claim 11 and all claims that depend therefrom are allowable. Applicants respectfully request that the reconsideration and

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withdrawal of the rejections under 35 U.S.C. § 102(b) and full allowance of all pending claims.

New Claims 35-38 are Allowable

Applicants have added Claims 15-27 in the present paper. No new matter has been introduced. Support for these claims may be found, for example, at Paragraphs [0007] through Paragraph [0027] and Figure 2 of the Specification.

Applicants submit that newly added Claims 15-27 are allowable at least because *Clark* fails to teach or suggest all the elements recited. For example, *Clark* fails to teach or

wherein in a rear wall of a housing of the acoustic converter, a member rear volume of the acoustic converter includes openings opening towards the outside of the acoustic converter;

wherein a rear housing part of the telephone handset includes internal walls forming a channel around the openings of the rear wall of the housing of the acoustic converter through which an area up to the rear housing part of the telephone handset is sealed in a soundproof manner; and

wherein openings of the telephone handset are arranged in the rear housing part in an area within the internal walls surrounding the openings in the rear wall of the housing of the acoustic converter forming a channel for sound to escape to the outside of the telephone handset.

as recited in Independent Claim 15. Similarly, *Clark* fails to teach or suggest

a telephone handset comprising a rear housing part with internal walls;
an acoustic converter comprising a housing component comprising a rear wall, wherein the rear wall includes a first opening;

wherein the internal walls of the rear housing part of the telephone handset forms a soundproofing channel around the first opening; and

wherein the rear housing part of the telephone handset comprises a second opening for guiding sound through the channel to outside of the telephone handset

as recited in Independent Claim 25. Accordingly, Applicants respectfully request full allowance of new Claims 15-27.

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Request for Continued Examination

Applicants enclose a Request for Continued Examination (RCE) Transmittal and authorize the Commissioner to charge the \$810.00 fee to Deposit Account No. 50-2148 of Baker Botts L.L.P.

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CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose a Request for Continued Examination (RCE) Transmittal and authorize the Commissioner to charge the \$810.00 fee and any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2684.

Respectfully submitted,
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Date: May 6, 2009

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